



8 May 2020

S20.12

Submission to the Education and Workforce Select Committee on the Screen Industry Workers Bill 219-1

Introduction

- 0.1. The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing over 200 organisations affiliated at either national level or to one of our 15 branches. In addition, about 450 people are individual members. Collectively our reach is over 450,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
- 0.2. This submission has been prepared by the NCWNZ Employment Standing Committee Standing Committee and the Parliamentary Watch Committee.

1. Summary

- 1.1. In 2015 NCWNZ resolved¹ the following: *that NCWNZ urges the Government to enact legislation and implement policies that protect and promote the rights of workers engaged in insecure employment, including the right to collective bargaining. [Insecure employment is defined as including: Casual, temporary, fixed-term and zero-hour employment that can be characterised by low and/or fluctuating pay, uncertain duration, and with limited or no access to training, career progression and employment rights and benefits such as sick leave and holiday pay.]*
- 1.2. We note that the above definition of insecure employment in NZ frequently includes screen industry workers and includes significant numbers of women workers who are Māori, Pacific, young and/or

¹ NCWNZ. 2019. Appendix "D": Resolutions of National Meetings 2011-2019. 6.2.2.8.
<https://d3n8a8pro7vhmx.cloudfront.net/ncwnz/pages/1025/attachments/original/1585374689/Appendix-D-Resolutions-2011-2019.pdf?1585374689>

disabled. The screen industry globally has a very poor record of exploiting women as illustrated by the #MeToo movement.

- 1.3. NCWNZ welcomes the Bill's stated goals as we believe that clarity around employment status, the inclusion of a duty of good faith, and the ability for workers to collectively bargain, will provide much needed protection for vulnerable workers whilst allowing the screen industry to thrive.

2. Clause by Clause

- 2.1. **Part 2, Clauses 13 – 20:** NCWNZ supports the inclusion of mandatory terms in individual contracts, and in particular details of processes available for dealing with complaints of bullying, discrimination or harassment in the workplace. We support the mandatory requirement for individual contracts to have a clear timeframe for the contract, for the requirement to include notice periods, and a clause to ensure compensation if the contract is terminated by engager earlier than the stated notice period. We further support the inclusion of a prohibition on retaliatory termination of individual contracts.
- 2.2. **Part 3, Clauses 21 – 49:** NCWNZ supports collective bargaining for sub-industry contracts, including the provisions in the Bill that ensure collective bargaining is conducted in good faith by all the parties involved. We further support collective bargaining at this level to set minimum standards for entire occupations across the sector, to set the base rates for pay, hours of work, breaks, work availability, recognition of public holidays, and termination of work. We support the collective contracts including terms that outline a process for raising and responding to issues of bullying, discrimination or harassment in the workplace, and details of services available for resolution of workplace relationship problems.
- 2.3. **Clauses 50 - 55** NCWNZ supports collective bargaining for specific projects, enterprises and productions for conditions that are better than the base-lines set by the sub-industry or occupation-based collective contracts.

3. Conclusion

- 3.1. NCWNZ supports this legislation as it will provide opportunities for fairer workplace relationships and working conditions for contractors in the screen sector. It is noted, however, that a number of Employment Relations Act 2000 (ERA)² provisions are not included in the Bill. The Council of Trade Unions has pointed out the absence of the following ERA Provisions in the Bill:
 - a. Employer's obligation to keep records relating to minimum entitlement provisions ERA s4B
 - b. Freedom of association and protection from undue influence ERA Part 3

² Employment Relations Act 2000.

http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html?search=ta_act_E_ac%40ainf%40anif_an%40bn%40rn_25_a&p=1

- c. Provision for union meetings. ERA s26
- d. Obligation to provide information about unions. ERA s30A
- e. Provision for code of good faith. ERA s35
- f. Deduction of union fees. ERA s55, s65A
- g. Good faith in bargaining of individual contracts. ERA s60A
- h. Unfair bargaining of individual contracts. ERA s68
- i. Jurisdiction of Labour inspectorate. ERA Part 11

3.2. The Bill also does not replicate or extend protections that apply to employees under other legislation, including:

- j. Minimum Wage Act 1983
- k. Wages Protection Act 1983
- l. Holidays Act 2003
- m. Accident Compensation Act 2001, including entitlements to rehabilitation and return to work

3.3. This is of concern to NCWNZ as we believe Screen Industry workers deserve to be accorded the same protections and rights as are enjoyed by other workers in New Zealand. We draw your attention to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women³ Article 11:

1 (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

3.4. Your attention is also drawn to the UN Sustainable Development Goal 8⁴, which aims to *“Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.”*

3.5. As a firm supporter of, and advocate for, CEDAW and the UN Sustainable Development Goals, NCWNZ recommends the Bill be further strengthened to ensure Screen Industry Workers are guaranteed access to the same rights and protections as the rest of the New Zealand workforce.

³ United Nations. 1979. Convention on the Elimination of All Forms of Discrimination against Women. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

⁴ United Nations Development programme. Sustainable Development Goals. <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>

A handwritten signature in black ink, appearing to read 'Suzanne Manning', with a large, sweeping flourish at the end.

Suzanne Manning
NCWNZ Board

Gabriel Brett Kelly
Convenor NCWNZ Employment Standing
Committee